

REMARKS

Applicants wish to thank the Examiner for the indication that claims 28, 33, 58 and 59 are allowed. Further, Applicants wish to thank the Examiner for the indication that claims 6-8 and 11 would be allowable if the below-noted 35 USC § 112 rejection is overcome.

Claims 6-8, 11, 15, 28, 33, 37, 58, and 59 are currently pending in this application. As noted above, claims 6-8, 11, 15 and 58 have been amended, and new claims 60-67 have been added. These amendments are fully supported throughout the specification. Thus, after entry of these amendments, claims 6-8, 11, 15, 28, 33, 37, 58, and 59-67 will be pending in this application.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to claims 15 and 58

The Examiner has objected to claims 15 and 58, in lines 5 and 4 respectively, stating that the term “IP” should be “SIP.” Applicants have amended the claims as suggested by the Examiner. These amendments are fully supported throughout the specification, and no new matter has been added. Thus, this objection is now moot.

Therefore, Applicants respectfully request that the Examiner withdraw this objection.

II. Rejection of claims 6, 8-11 and 37 under 35 U.S.C. §112

The Examiner has rejected claims 6, 8-11 and 37 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner does not find antecedent basis for the term “the SIP message” in lines 5-6 of claims 6-8 and 11, and for the term “telephone power” in line 7 of claim 37.

Applicants have amended claims 6-8 and 11, in line 3, to recite that the SIP header is generated “for a SIP message,” thereby providing antecedent basis for “the SIP message” recited in lines 5-6. This amendment is fully supported throughout the Specification. *See, e.g.*, Specification, paragraph 0046.

Further, Applicants have amended claim 37 to replace “the classmark represents telephone power” with -- the classmark represents power information --. This amendment is fully supported throughout the Specification. *See, e.g.*, Specification, paragraph 0048.

Thus, this rejection is now moot based on the above remarks and amendments. Therefore, Applicants respectfully request that the Examiner to withdraw the rejection of claims 6-8, 11 and 37 under 35 U.S.C. §112, second paragraph.

III. Rejection of claims 15 and 37 under 35 U.S.C. §103(a)

The Examiner has rejected claims 15 and 37 under 35 U.S.C. §103(a) as being obvious over Maggenti, et al. (US 6,477,150) in view of Love (US 6,058,107). Applicants respectfully traverse this rejection.

This rejection is not a *prima facie* rejection of claims 15 and 37, as Maggenti is not citable prior art in an obviousness rejection according to 35 U.S.C. §103(c). The following is a quotation of 35 U.S.C. §103(c):

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As previously noted, Maggenti only qualifies as prior art under 35 USC § 102(e). Further, the subject matter of Maggenti and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to QUALCOMM Incorporated. Therefore, Maggenti is not a citable 35 USC § 103 reference with respect to the subject application.

Additionally, the remaining prior art fails to teach or suggest the subject matter recited by claims 15 and 37.

Thus, Applicants respectfully request that the Examiner to withdraw the rejection of claims 15 and 37 under 35 U.S.C. §103(a) as being obvious over Maggenti in view of Love.

IV. Allowed Claims

As noted above, Applicants wish to thank the Examiner for the indication that claims 28, 33, 58 and 59 are allowed.

V. Allowable Claims

As noted above, Applicants wish to thank the Examiner for the indication that claims 6-8 and 11 would be allowable if the below-noted 35 USC § 112 rejection is overcome.

Further, as noted above, Applicants believe the 35 USC § 112 rejection has been overcome. Thus, claims 6-8 and 11 are deemed to be in form for allowance.

VI. New Claims

Applicants have added new claims 60-67 to recite subject matter to which they are entitled. These claims are fully supported throughout the Specification.¹

Further, new claims 60-61 are based on allowed claim 59; new claims 62-63 are based on allowable claim 15; new claims 64-65 are based on allowable claim 37; and new claims 66-67 are based on allowed claim 58. As such, new claims 60-67 are allowable for at least similar reasons.

Thus, Applicants respectfully request that the Examiner allow new claims 60-67.

VII. Summary

Thus, based on the above remarks, all of the pending claims are deemed to be in form for allowance.

¹ See, e.g., Specification, paragraphs 0031 and 0032.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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